



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Miguel A. PARDO CARDENAS

Serial No.: 10/642,332

Filing Date : August 18, 2003

For: NOVOLUTE GEOMETRY FOR POWER GEARS

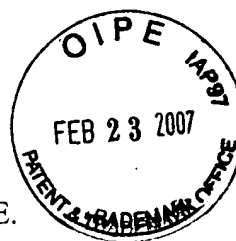
**PETITION UNDER 37 CFR 1.181 TO RESET PERIOD FOR REPLY**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Petition under 37 CFR 1.181 and MPEP 710.06. Undersigned counsel never received the Official Letter until the Applicant, in Bogota, Colombia, notified undersigned counsel that a Notice of Abandonment had been mailed. The facts are as follows:

1. The instant application was filed *pro se*, and undersigned counsel was engaged to take over the prosecution of this application. On February 23, 2006, counsel submitted a new Power of Attorney and Change of Correspondence Address, see Exhibit A. On the same day, counsel made a status request, see Exhibit B.
2. Four months later, notwithstanding receipt of the Power of Attorney and Change of Correspondence Address, the Office mailed the first Official Letter to the inventor in Bogota, Colombia, see Exhibit C. For whatever reason, it is counsel's understanding the inventor never received this Official Letter, hence nothing was done.
3. The Office then, on January 24, 2007, mailed a Notice of Abandonment to the inventor in Bogota, Colombia, see Exhibit D, which the inventor received and notified undersigned counsel.
4. Checking on PAIR indicates that Power of Attorney and Correspondence Address still



has not been changed in this application, see Exhibit E.

In light of the above-mentioned facts clearly indicating that the Office failed to record the Change of Correspondence Address and Power of Attorney and mail the Official Letter to the correct address, it is requested that the Official Letter be re-mailed and the time reset so that counsel has adequate time to obtain instructions from Bogota, Colombia, and make timely response.

It is submitted that no petition fee should be paid under the above circumstances, however, should some fee prove necessary, authorization is herewith given to charge undersigned counsel's deposit account, 06-1358.

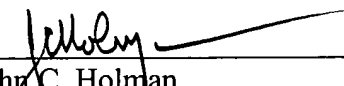
#### CONCLUSION

In view of the above facts and attached exhibits, it is requested that the Official Letter be re-mailed and the due date for response be restarted.

Respectfully submitted,

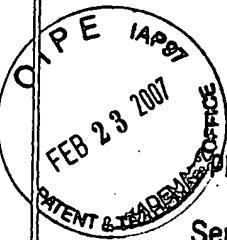
JACOBSON HOLMAN, PLLC

By: \_\_\_\_\_

  
John C. Holman  
Reg. No. 22769

400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
(202) 638-6666  
Atty. Docket: P70749050  
Date: February 22, 2007

Enclosures: Exhibits A-E



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Miguel Alejandro Pardo Cardenas

Serial No.: 10/642332

Filed: August 18, 2003

For: NOVOLUTE GEOMETRY FOR POWER GEARS

JACOBSON HOLMAN  
PLLC  
EXHIBIT

A

**NEW POWER OF ATTORNEY AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, owner(s) of the entire right, title and interest in and to the above-captioned U.S. patent application and all inventions disclosed and claimed therein, hereby revokes all previous powers of attorney in respect of the subject application and appoints as attorneys to prosecute this application for patent and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, individually and collectively:

Customer No. 00136

or

**JACOBSON HOLMAN PLLC**  
400 Seventh Street, N.W.  
Washington, D.C. 20004-2201

telephone (202) 638-6666 (to whom all communications about this application are to be directed); and each attorney thereof named below with registration numbers, and of the same address:

JOHN CLARKE HOLMAN, Reg. No. 22,769  
HARVEY B. JACOBSON, JR., Reg. No. 20,851  
ALLEN S. MELSER, Reg. No. 27,215

MICHAEL R. SLOBASKY, Reg. No. 26,421  
JONATHAN L. SCHERER, Reg. No. 29,851  
WILLIAM E. PLAYER, Reg. No. 31,409  
NATHANIEL A. HUMPHRIES, Reg. No. 22,772.



MIGUEL ALEJANDRO PARDO C. *Alejandro Pardo* July 14, 2005

I.D.: JCH/dls



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: Miguel Alejandro Pardo Cardenas

Serial No.: 10/642332

Filed: August 18, 2003

JACOBSON HOLMAN  
PLLC  
EXHIBIT

B

For: NOVOLUTE GEOMETRY FOR POWER GEARS


STATUS REQUEST

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

- 1)\_\_\_ According to counsel's records the subject application was filed on the date indicated above and a postcard receipt shows the above serial number. To date, counsel has not received the Official Filing Receipt which is now respectfully requested.
- 2) X According to counsel's records, the subject application was filed on the above-identified date. No action on the merits of this application has been received, as yet. The status of this application is requested.
- 3)\_\_\_ According to counsel's records, a response was filed to an Official Action in the subject application on . No further Official Action on the merits of this case has been received. The status of this matter is requested.

Respectfully submitted,

By:   
John C. Holman  
Registration No. 22,769  
JACOBSON HOLMAN PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
Tel. (202) 638-6666

I.D.: JCH/dls  
Folio: P70749US0  
Date: February 23, 2006



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,332	08/18/2003	Miguel Alejandro Pardo		1950

7590

06/28/2006

MIGUEL PARDO  
CARRERA 9A #93-76 INT #307  
BOGOTA, 8  
COLOMBIA



EXAMINER

JOYCE, WILLIAM C

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

JACOBSON HOLMAN  
PLLC  
EXHIBIT

C

# Office Action Summary

Application No.

10/642,332

Applicant(s)

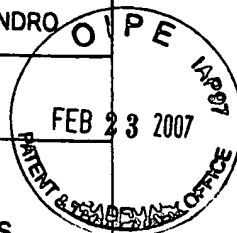
PARDO, MIGUEL ALEJANDRO

Examiner

William C. Joyce

Art Unit

3682



- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Election/Restrictions***

1 This application contains claims directed to the following patentably distinct species:

- a. The simple novolute engagement of Figures 2-3.
- b. The double novolute engagement of Figures 4-7.

The species are independent or distinct because each disclosed species has a separate subject of inventive effort and therefore is considered to be diverging subject matter. The disclosed species may be classified together, but examining the diverging subject matter of each disclosed species is considered a serious burden on the examiner.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims appear generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after



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the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
William E. Joyce 6/23/06



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,332	08/18/2003	Miguel Alejandro Pardo		1950

7590 01/24/2007  
MIGUEL PARDO  
CARRERA 9A #93-76 INT #307  
BOGOTA, 8  
COLOMBIA

EXAMINER

JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
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3682

MAIL DATE	DELIVERY MODE
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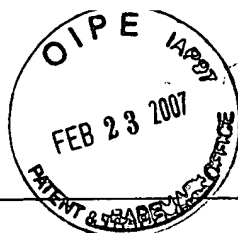
01/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

JACOBSON HOLMAN  
PLLC  
EXHIBIT

D



# **Notice of Abandonment**

Application No.

10/642,332

Applicant(s)

PARDO, MIGUEL  
ALEJANDRO

Examiner

William C. Joyce

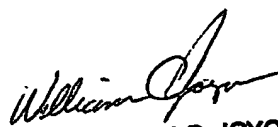
Art Unit

3682

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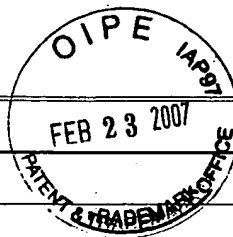
This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 28 June 2006.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

 1/20/07  
WILLIAM C. JOYCE  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Search results as of: 02-09-2007::15:26:03 E.T.

**Attorney/Agent Correspondence Information****Correspondence Address**

Name: MIGUEL PARDO  
Address: CARRERA 9A #93-76 INT #307  
BOGOTA 8  
COLOMBIA (CO)

**Attorney/Agent Information****No Attorney/Agent Data Found.**[Close Window](#)

JACOBSON HOLMAN  
PLLC  
EXHIBIT

E